

(2) Requests for loan or lease or other use of equipment or facilities are subject to approval by the heads of the DoD Components, unless approval by a higher official is required by statute or DoD issuance applicable to the particular disposition.

(ii) The Heads of the DoD Components shall issue implementing policy and direction for taking action on requests for loan, lease, or other use of equipment or facilities that are not governed by paragraphs (f)(4)(i)(D)(1) and (f)(4)(i)(D)(2) of this section. Such implementing policy and direction shall ensure compliance with applicable law and DoD issuances, including requiring specific levels of approval with respect to particular dispositions.

(g) *Funding.*

(1) *General.* Reimbursement is required when equipment or services are provided to agencies outside DoD.

(i) The primary sources of reimbursement requirements are the Economy Act of 1932, as amended, for provision of equipment or services to Federal departments and agencies and 10, U.S.C. 2667. 10 U.S.C. 377 requires reimbursement unless the Secretary of Defense elects to waive reimbursement using the criteria described in paragraph (g)(2)(iii) of this section.

(ii) Other statutes may apply to particular types of assistance or may apply to assistance to specific civilian law enforcement entities. Payment of fair market value under 10 U.S.C. 2667 may only be waived under the provisions of 10 U.S.C. 2667.

(iii) A requirement for reimbursement does not apply when DoD Components provide information, collected during the normal course of military training or operations, to Federal, State, or local civilian law enforcement agencies pursuant to 10 U.S.C. 371.

(2) *Procedural requirements.* (i) Defense support of civilian law enforcement agencies is normally an unprogrammed requirement for DoD. DoD 7000.14–R,<sup>31</sup> “Department of Defense Financial Management Regulations (FMRs),” Volumes 1–15, prescribes procedures for financing and reporting costs. DoD

<sup>31</sup> Available at <http://comptroller.defense.gov/fmr/>.

Components shall comply with these procedures and shall consider the factors presented in paragraph (g)(2)(iii) of this section to determine or recommend whether financing is to be accomplished on a reimbursable or non-reimbursable basis.

(ii) The Commanders of USNORTHCOM, USPACOM, and USSOCOM shall serve as the financial managers responsible for DoD oversight of all operations executed in their areas of responsibility in accordance with §182.5(k).

(iii) The Secretary of Defense may waive reimbursement for DoD support to civilian law enforcement agencies provided pursuant to 10 U.S.C. 18, or support provided by NG personnel performing duty pursuant to 32 U.S.C. 502(f), in accordance with 10 U.S.C. 377, if such support:

(A) Is provided in the normal course of DoD training or operations; or

(B) Results in a benefit to the DoD element or the NG personnel providing the support that is substantially equivalent to that which would otherwise be obtained from military operations or training.

(3) *Personnel duty status.* Funding for State active duty of NG personnel is the responsibility of the State involved.

## PART 183—DEFENSE SUPPORT OF SPECIAL EVENTS

### Sec.

- 183.1 Purpose.
- 183.2 Applicability and scope.
- 183.3 Definitions.
- 183.4 Policy.
- 183.5 Responsibilities.
- 183.6 Procedures.

**AUTHORITY:** 2 U.S.C. 1966, 2 U.S.C. 1970, 10 U.S.C. 372–374, 10 U.S.C. 377, 10 U.S.C. 2012, 10 U.S.C. 2553–2555, 10 U.S.C. 2564, 18 U.S.C. 1385, 18 U.S.C. 3056, 31 U.S.C. 1535–1536, 32 U.S.C. 502, 32 U.S.C. 508, Pub. L. 94–524, and Section 5802 of Pub. L. 104–208, as amended.

**SOURCE:** 77 FR 22671, Apr. 17, 2012, unless otherwise noted.

### § 183.1 Purpose.

This part:

(a) Establishes DoD policy, assigns responsibilities, and provides procedures for support of civil authorities

and qualifying entities during the conduct of special events in accordance with the authority in DoD Directive (DoDD) 5111.1 (see <http://www.dtic.mil/whs/directives/corres/pdf/511101p.pdf>) and the Deputy Secretary of Defense Memorandum, “Delegations of Authority,” November 30, 2006 (available by written request to Deputy Secretary of Defense, 1010 Defense Pentagon, Washington, DC 20301-1010). This support will be referred to as “support of special events.”

(b) Implements provisions of DoDD 5111.1; the Deputy Secretary of Defense Memorandum, “Delegations of Authority,” November 30, 2006; title 2, United States Code (U.S.C.), sections 1966 and 1970; title 10, U.S.C., sections 372-374, 377, 2012, 2553-2555, and 2564; title 18, U.S.C. sections 1385 and 3056; title 31, U.S.C., sections 1535-1536; title 32, U.S.C., sections 502 and 508; Public Law 94-524; Section 5802 of Public Law 104-208, as amended; and title 32, Code of Federal Regulations (CFR) part 185, addressing matters pertaining to Defense Support of Civil Authorities (DSCA) for special events, including support for qualifying entities.

#### § 183.2 Applicability and scope.

(a) Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, National Guard personnel providing support of special events in title 32, U.S.C., status, and all other organizational entities in DoD (hereinafter referred to collectively as the “DoD Components”).

(b) Does not apply to installation commanders or Heads of DoD Components providing localized support to a special event solely under the auspices of community relations, public outreach, or recruitment efforts pursuant to DoDD 5410.18 (see <http://www.dtic.mil/whs/directives/corres/pdf/541018p.pdf>) and DoD Instruction (DoDI) 5410.19 (see <http://www.dtic.mil/whs/directives/corres/pdf/541019p.pdf>) or other similar authority.

#### § 183.3 Definitions.

Unless otherwise noted, these terms and definitions are for the purpose of this part only.

*Civil Authorities.* Defined in Joint Publication 1-02 (see [http://www.dtic.mil/doctrine/new\\_pubs/jp1\\_02.pdf](http://www.dtic.mil/doctrine/new_pubs/jp1_02.pdf).)

*Integrated Federal Support Overview (IFSO).* A collaborative effort of the Special Events Working Group. The purpose of the IFSO is to inform the Secretary of Homeland Security and other appropriate senior Federal officials, including the Federal coordinator for the special event, of all the Federal activities and support in preparation for and execution of a special event. The IFSO facilitates the Federal coordinator’s ability to lead a unified coordination group initially in case of an incident to support the Secretary of Homeland Security’s incident management responsibilities. It also educates Federal interagency partners on Federal resources committed to the special event.

*National Special Security Event (NSSE).* An event of national significance as determined by the Secretary of Homeland Security. These national or international events, occurrences, contests, activities, or meetings, which, by virtue of their profile or status, represent a significant target, and therefore warrant additional preparation, planning, and mitigation efforts. The USSS, FBI, and FEMA are the Federal agencies with lead responsibilities for NSSEs; other Federal agencies, including DoD, may provide support to the NSSE if authorized by law.

*NSSE Executive Steering Committee.* Established when the Secretary of Homeland Security designates a specific event to be an NSSE. The group, led by the USSS, comprises Federal, State, and local public safety and security officials whose primary responsibility is to coordinate and develop a specific security plan for the designated NSSE.

*Qualifying entity.* A non-governmental organization to which the Department of Defense may provide assistance by virtue of statute, regulation, policy, or other approval by the Secretary of Defense or his or her authorized designee.

*Special event.* An international or domestic event, contest, activity, or